Ministry of Justice

Public Complaints Commission

Annual Report for 2013-14

saskatchewan.ca

Government of Saskatchewan

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This annual report is also available in electronic form from the Ministry's website at **www.justice.gov.sk.ca**.

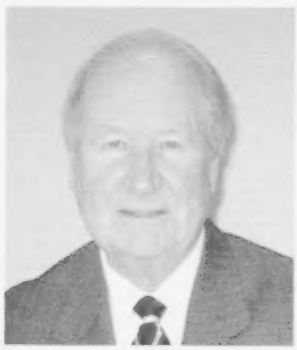
Letters of Transmittal

Her Honour the Honourable Vaughn Solomon Schofield,
Lieutenant Governor of Saskatchewan

May it Please Your Honour:

The undersigned, pursuant to section 15 of *The Police Act, 1990*, is pleased to present the Saskatchewan Public Complaints Commission Annual Report for the period ending March 31, 2014.

Gordon S. Wyant, Q.C.
Minister of Justice and Attorney General



The Honourable Gordon S. Wyant, Q.C.
Minister of Justice and Attorney General

Dear Sir:

The undersigned, pursuant to section 15 of *The Police Act, 1990*, is pleased to present the Saskatchewan Public Complaints Commission Annual Report for the period ending March 31, 2014.

Robert W. Mitchell, Q.C.
Chair

Mission Statement

The Public Complaints Commission (PCC) is an independent panel of non-police persons appointed by the Saskatchewan Government to ensure that both the public and the police receive a fair and thorough investigation of a complaint against the municipal police in Saskatchewan.

One of the main functions of the police is the protection of the general public. Police services realize that their officers must maintain a high degree of public support to effectively carry out their duties. It is recognized that occasions arise when citizens feel they have not been treated fairly by a police officer. For that reason a citizen complaint procedure was set out in *The Police Act, 1990*. It is in the best interest of the public and the police to have citizens' complaints resolved in order to maintain the spirit of co-operation that now exists.

Governing Legislation

Role of the Public Complaints Commission

The PCC consists of five persons, including a chairperson and a vice-chairperson who are appointed by the Lieutenant Governor in Council. By legislation, at least one member must be a person of First Nations ancestry, at least one member must be a person of Métis ancestry, and at least one member must be a lawyer. The chairperson has the delegated authority to exercise the powers and to perform the duties imposed on the PCC.

Canada has long been recognized as a leader in the civilian oversight of the police. In 1992 Saskatchewan introduced legislation that identified a specific agency to address public complaints.

On April 1, 2006, following a consultation process with the Saskatchewan Association of Chiefs of Police, the Federation of Saskatchewan Indian Nations (FSIN), the Saskatchewan Federation of Police Officers, Métis Family and Community Justice Services, and local police boards, the PCC was created. The PCC replaced the office of the Saskatchewan Police Complaints Investigator.

Pursuant to subsection 39(1) and (2) of *The Police Act, 1990*, the duties of the PCC are as follows:

1. Where the PCC receives a public complaint pursuant to section 38, the PCC shall:
   a. record the complaint received;
   b. establish and maintain a record of all public complaints received by the police services and their dispositions;
   c. inform, advise and assist complainants;
   d. advise and assist the chiefs and boards, the hearing officer and the commission with respect to the handling of public complaints;
   e. monitor the handling of public complaints and ensure that public complaints are handled in a manner consistent with the public interest; and
   f. inspect annually, or at those times directed by the Minister, the records, operations and systems of administration for the handling of public complaints by police services.

2. In exercising the duties of the PCC pursuant to this section, the PCC:
   a. shall receive and obtain information respecting a public complaint from the complainant;
   b. may receive and obtain information respecting a public complaint from the member or chief who is the subject of the complaint, the chief or the board, in any manner that the investigator considers appropriate;
   c. may request access to any files or other material in the possession of the police service relevant to a public complaint; and
   d. may interview and take statements from the chief, board, complainant and the member or chief who is the subject of the public complaint.

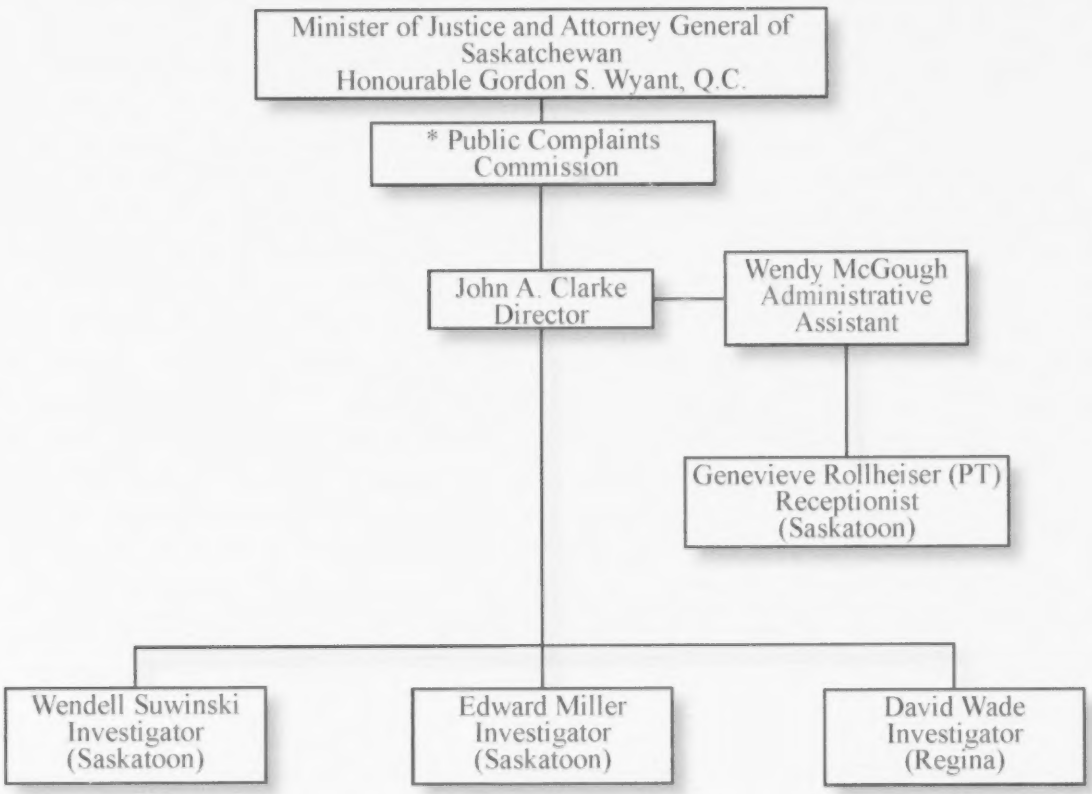
The PCC determines whether the investigation of a public complaint will be conducted by:

- the PCC investigative staff;
- the police service whose member is the subject of the complaint;
- the police service whose member is the subject of the complaint with the assistance of an observer appointed by the PCC to monitor the investigation and report to the PCC; or
- a police service other than the police service whose member is the subject of the complaint.

The Police Act, 1990 states that the Chief of Police is responsible for the maintenance of discipline. Although the majority of the PCC's findings are accepted by police chiefs, the findings are not binding on the chiefs.

From time to time, differences of opinion with police chiefs have arisen and have resulted in healthy debate. While consensus is not always reached, the differences speak to the independence of the PCC.

Organizational Structure



* The PCC consists of five individuals including a chairperson and vice-chairperson. Members are appointed by the Lieutenant Governor in Council.

Public Complaints Commission

Members of the Public Complaints Commission

Members are appointed for a three-year term and may be reappointed for a second term of the same duration. However, no member may be appointed to more than two successive terms.

Members meet twice a month to review new complaints, receive briefings on current investigations, and reach consensus on final determinations of completed investigations that culminate in written decisions.

Chair:

- Robert W. Mitchell, Q.C., Regina

Vice Chair:

- Catherine M. Knox, Lawyer, Saskatoon

Members:

- Loretta Elford, Regina, a former Director of Education with the Regina Public School Board and active community member
- Raymond Fox, North Battleford, member of the Sweetgrass First Nation, Director of Justice, Battlefords Tribal Council, and a councillor for the City of North Battleford
- Michel Maurice, Saskatoon, Métis Elder

Director:

- John Clarke, responsible for the administration and daily operation of the PCC.

Administrative Staff/Accommodation

Saskatchewan Public Complaints Commission (Regina)

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REGINA SK S4P 4H2

Telephone: (306) 787-6519
Fax: (306) 787-6528
Toll Free: 1-866-256-6194

Saskatchewan Public Complaints Commission (Saskatoon)

916 – 122 3rd Avenue North
SASKATOON SK S7K 2H6

Telephone: (306) 964-1450
Fax: (306) 964-1454

Website: **www.publiccomplaintscommission.ca**

Message from the Chair

The PCC has completed eight years of operation since its creation. We are pleased to note that the total number of complaints has decreased significantly as the police and the public have become knowledgeable about and comfortable with the program. We have tried throughout to approach every complaint with the utmost integrity and fairness.

The work of the Commission has been guided by the principles laid down by Sir Robert Peel in his work, Principles of Law Enforcement, in 1829. This is the foundational document underpinning policing in Canada and elsewhere; the principles are as valid today as they were 185 years ago and we take the liberty of quoting them in full:

1. The basic mission for which police exist is to prevent crime and disorder as an alternative to the repression of crime and disorder by military force and severity of legal punishment.
2. The ability of the police to perform their duties is dependent upon public approval of police existence, actions, behavior and the ability of the police to secure and maintain public respect.
3. The police must secure the willing co-operation of the public in voluntary observance of the law to be able to secure and maintain public respect.
4. The degree of co-operation of the public that can be secured diminishes, proportionately, to the necessity for the use of physical force and compulsion in achieving police objectives.
5. The police seek and preserve public favor, not by catering to public opinion, but by constantly demonstrating absolutely impartial service to the law, in complete independence of policy, and without regard to the justice or injustice of the substance of individual laws; by ready offering of individual service and friendship to all members of society without regard to their race or social standing, by ready exercise of courtesy and friendly good humor; and by ready offering of individual sacrifice in protecting and preserving life.
6. The police should use physical force to the extent necessary to secure observance of the law or to restore order only when the exercise of persuasion, advice and warning is found to be insufficient to achieve police objectives; and police should use only the minimum degree of physical force which is necessary on any particular occasion for achieving a police objective.
7. The police at all times should maintain a relationship with the public that gives reality to the historic tradition that the police are the public and the public are the police; the police are the only members of the public who are paid to give full-time attention to duties which are incumbent on every citizen in the intent of the community welfare.
8. The police should always direct their actions toward their functions and never appear to usurp the powers of the judiciary by avenging individuals or the state, or authoritatively judging guilt or punishing the guilty.
9. The test of police efficiency is the absence of crime and disorder, not the visible evidence of police action in dealing with them.

These principles are incorporated, in one form or another, into the mission and values of every municipal police force in Saskatchewan and are reflected in the conduct of our police officers.

Robert W. Mitchell, Q.C.
Chair

Progress in 2012-13

2013-14 Key Commitments

- Continue to ensure the mandate of the PCC to receive, review and investigate complaints against Saskatchewan municipal police is provided in a timely manner.
- Maintain an active role with the Canadian Association of Civilian Oversight for Law Enforcement (CACOLE) and continue to liaise with our federal and provincial counterparts.
- Engage with the Commission for Public Complaints Against the RCMP to further relationships and work to establish local protocol to address complaints against joint forces units involving RCMP and municipal police officers.
- Continue to lecture at the Saskatchewan Police College on the issues surrounding the public complaint process to recruits, field trainers and police supervisors.
- Complete evaluation of the informal resolution process to make the process less cumbersome and time-sensitive.
- Host a training seminar with the focus on the public complaint process from intake to completed investigation and final reports. Seminar to also include other provincial enforcement agencies whose employees are subject to public complaints.

2013-14 Results

- Over the past reporting period, public complaints received declined to the lowest level since the Commission was established. Public complaints made through the PCC's website increased to 18 per cent of all complaints received, from 11 per cent last year. Our toll-free line remains active with general inquiries received on a daily basis. It is interesting to note that approximately 50 per cent of complaints are being made directly to the affected municipal police service. A detailed chart showing the source of all complaints received is included in the statistical data component of this report.
- The PCC remains an active supporter of CACOLE. The Chair attended the annual conference in Charlottetown, P.E.I., where the Chair moderated a panel on "The Evolution of Civilian Oversight." CACOLE has clearly demonstrated the value of civilian oversight across Canada and there appears to be growing support from the vast majority of Canadian police services.
- The PCC continued to engage with the Commission for Public Complaints Against the RCMP to further relationships, particularly with the pending amendments to the *Royal Canadian Mounted Police Act*. Difficulties persist in situations where public complaints are received against joint forces units involving RCMP and municipal police officers.
- PCC personnel continue to lecture on the public complaint process to recruit and in-service training classes at the Saskatchewan Police College. The PCC feels this is essential as it provides the new police officers with insight into the implications of inappropriate conduct. Lectures to in-service training classes provide a timely reminder for supervisors and field training officers of their duties and responsibilities in terms of public complaints.
- The informal resolution evaluation process continues to evolve. Progress has been made with one police service in particular, which has included the informal process in directions to supervisors.
- The PCC hosted a training seminar for individuals involved in the investigation of public complaints in Saskatchewan. The seminar acted as an information session for other provincial government agencies involved in enforcement that are not subject to public complaints as outlined at Part IV, *The Police Act, 1990*. Several case studies were presented. Particular thanks are extended to Rollie Woods, Deputy Commissioner of the British Columbia Public Complaints Commission, for his case study involving unnecessary use of force. Positive feedback confirmed the use of case studies to be an invaluable teaching tool.
- Frequent contact was maintained with individual Chiefs of Police and particularly with the members assigned to professional standards sections.
- Contact was maintained with all stakeholders: Saskatchewan Ombudsman; Saskatchewan Human Rights Commission; Public Prosecutions Division of the Ministry of Justice; Saskatchewan Police Commission; and local boards of police commissioners.
- The PCC attended annual meetings of the Saskatchewan Federation of Police Officers and the Saskatchewan Association of Chiefs of Police. These meetings are essential to maintaining the excellent professional working relationships the PCC has with these two groups.
- The PCC attended two training sessions held for the Municipal Boards of Police Commissioners promoting the work of the PCC and explaining their respective roles in terms of their duties and responsibilities when public complaints might concern the conduct of a Chief of Police.
- The PCC is very pleased to note that our relationship with the Federation of Saskatchewan Indian Nations – Special Investigation Unit has greatly improved and continues to move forward in a positive manner.

2013-14 Matters of Concern

- The general use of Conducted Energy Weapons (CEWs) has been authorized by the Saskatchewan Police Commission. Strict policy guidelines have been provided by the Commission. Each municipal police service must have their CEW policy approved by the Commission. Generally speaking, the PCC supports the use of CEWs as they provide an alternative to the deadly use of force. The PCC will be closely monitoring the use of these weapons. Individual PCC members and all staff will receive training on the use of these weapons to ensure a full understanding of their impact.

2014-15 Plans

- The Ministry of Justice has increased the number of Special Constable appointments. whose conduct is subject to the public complaint provisions as outlined at Part IV, *The Police Act, 1990.* Individuals employed in this capacity, as well as their supervising bodies, will require training in terms of the public complaint process. This training will be provided by the PCC over the course of 2014-15.
- Continue, as in previous years, to ensure the mandate of the PCC is carried out in an expeditious manner.
- Continue to improve our working relationship with the Federation of Saskatchewan Indian Nations – Special Investigation Unit.
- Maintain and improve relationships with our stakeholder groups.
- Continue to lecture at the Saskatchewan Police College.
- Develop improved community awareness program.

2013-14 Performance Measures

The statistics set out in the tables on this page are for the period April 1 to March 31, for the fiscal years 2010-11, 2011-12, 2012-13 and 2013-14. The following pages show the breakdown of complaints for each of the 10 municipal police services and four rural municipality police services in the province during the 2013-14 fiscal year.

Number of Complaint Files Opened

Police Service	2010-11	2011-12	2012-13	2013-14
Regina	44	45	57	44
Saskatoon	82	75	54	38
Moose Jaw	3	4	4	1
Prince Albert	19	5	7	1
Estevan	1	3	4	9
Weyburn	3	1	1	1
Caronport	0	0	0	0
Dalmeny	0	0	0	0
File Hills	0	4	2	0
Luseland	0	0	0	0
R.M. of Corman Park	0	2	0	0
R.M. of Lakeland	0	2	0	1
R.M. of Vanscoy	0	0	0	0
R.M. of Wilton	0	0	0	0
Safer Communities & Neighbourhoods	0	0	0	1
Total Number of Files	152	141	129	96

The table below shows the percentage of complaint files that fall within certain time-frames, during which the complaint is received, investigated, reviewed and the complainants are advised of the action taken with respect to their concerns.

Percentage of Complaint Files Completed Within Given Time-frames

Days	2010-11	2011-12	2012-13	2013-14
0 – 30	20	28	27	28
31 – 60	12	6	5	10
61 – 90	5	3	6	5
91 – 120	1	6	2	6
121 – 150	3	3	3	1
151 – 180	1	1	2	3
Over 181	9	6	9	7
Pending	49	47	46	40

Statistical Data

Findings of Complaints Received

April 1, 2013 to March 31, 2014

Police Service	Substantiated	Unsubstantiated	Unfounded	Withdrawn/Other	S.45(5)**	Informal Resolution	Service/ Policy	Not Yet Completed	Total
Regina	5	0	12	2	16	1	1	13	50
Saskatoon	1	0	1	2	11	2	1	21	39
Moose Jaw	0	0	0	0	1	0	0	0	1
Prince Albert	0	0	0	0	0	0	0	1	1
Estevan	1	0	2	1	3	0	0	2	9
Weyburn	0	1	0	0	0	0	0	0	1
Caronport	0	0	0	0	0	0	0	0	0
Dalmeny	0	0	0	0	0	0	0	0	0
File Hills	0	0	0	0	0	0	0	0	0
Luseland	0	0	0	0	0	0	0	0	0
R.M. Corman Park	0	0	0	0	0	0	0	0	0
R.M. Lakeland	0	0	0	0	1	0	0	0	1
R.M. Vanscoy	0	0	0	0	0	0	0	0	0
R.M. Wilton	0	0	0	0	0	0	0	0	0
SCAN	0	0	0	0	0	0	0	1	1
Total*	7	1	15	5	32	3	2	38	103

*While only 96 complaints were filed, some had multiple complaints and findings.

**Under section 45(5) of *The Police Act, 1990* circumstances did not require investigation or, during the course of the investigation, it was determined that circumstances no longer supported the continuation of the investigation.

Classification of Substantiated and Unsubstantiated Complaints

April 1, 2013 to March 31, 2014

Police Service	Substantiated	Description
Saskatoon	1	36D
Estevan	1	37Ei
Regina	1 2 1 1	36Av 36C 36Eiv 37Ei
Police Service	Unsubstantiated	
Weyburn	1	36Fi

Definition of Complaint Findings

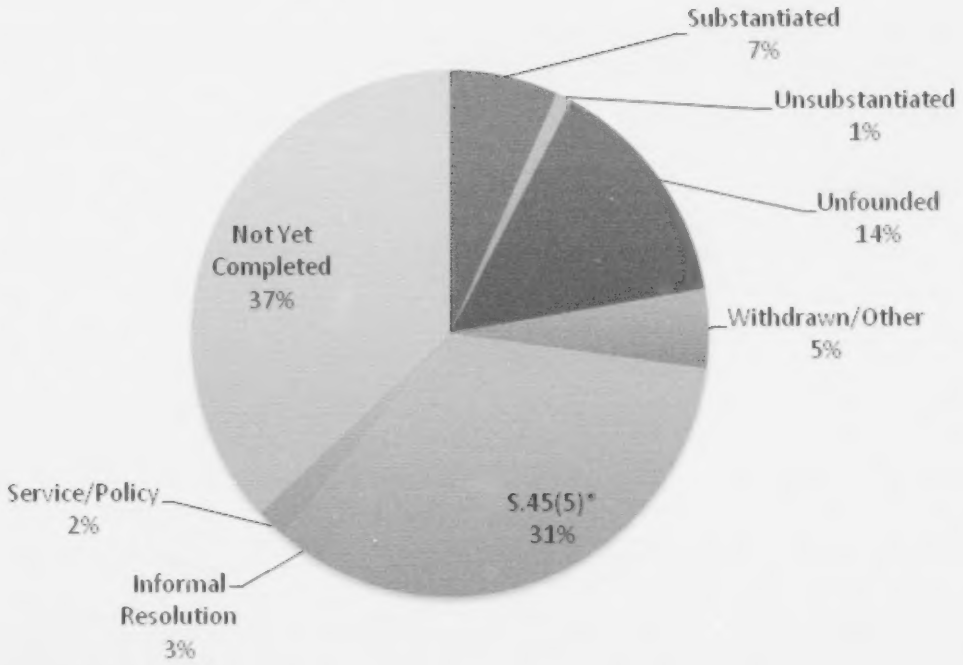
- Substantiated – supported by evidence
- Unsubstantiated – allegation cannot be proved or disproved
- Unfounded – unsupported by evidence

Definition of Descriptions

- 36Av - Discreditable Conduct
- 36C - Neglect of Duty
- 36D - Improper Disclosure of Information
- 36Eiv - Corrupt Practice
- 36Fi - Abuse of Authority – Improper Arrest
- 37Ei - Abuse of Authority – Discourtesy/Uncivil

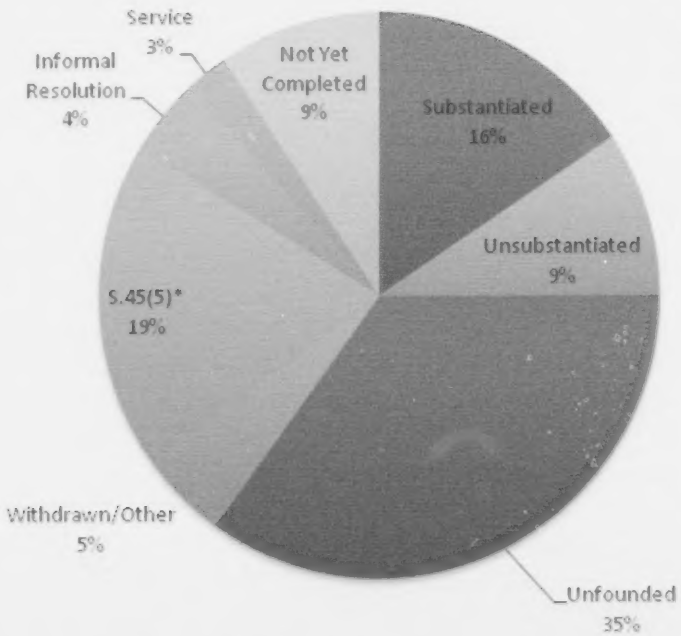
Complaint Findings

April 1, 2013 to March 31, 2014



Revised Complaint Findings

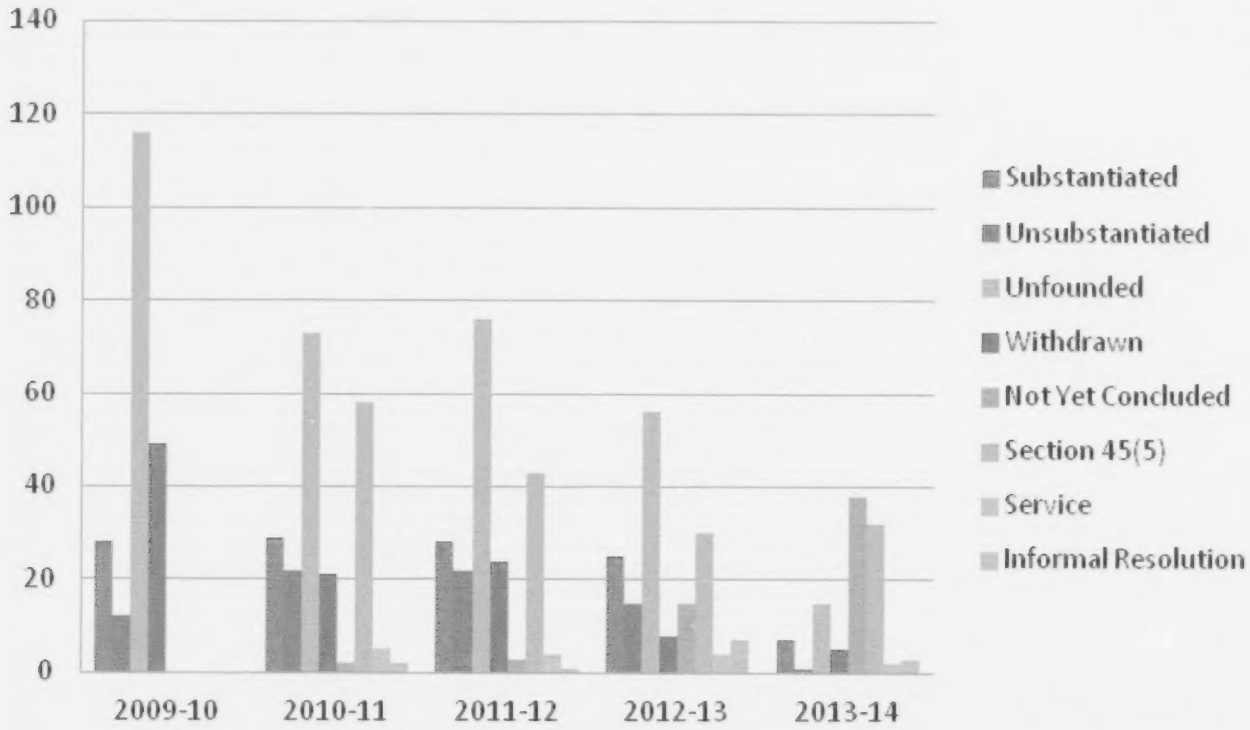
April 1, 2012 to March 31, 2013



*Under section 45(5) of *The Police Act, 1990* circumstances did not require investigation or, during the course of the investigation, it was determined that circumstances no longer supported the continuation of the investigation.

Five-year Comparative Statistics

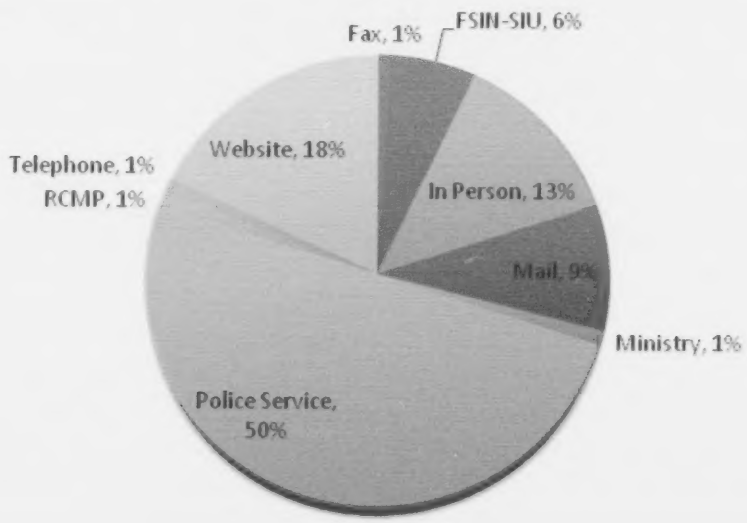
2009-10 to 2013-14



This table shows the status of complaints filed in each fiscal year as of March 31, 2014.

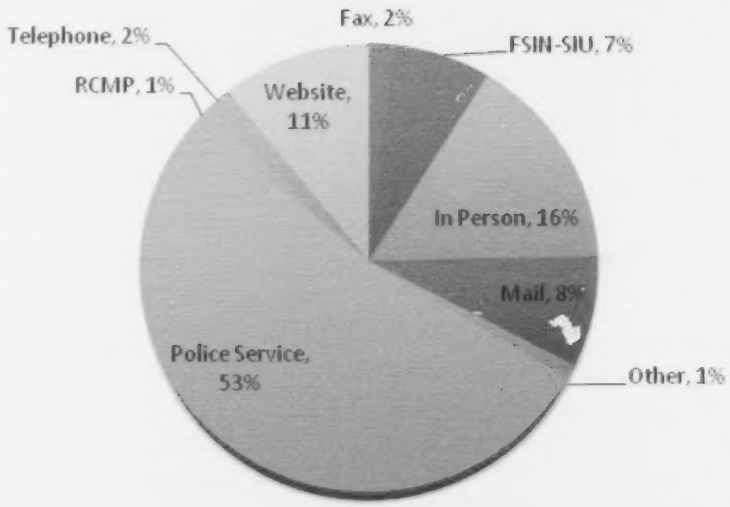
Incidents Received by Source

April 1, 2013 to March 31, 2014



Incidents Received by Source

April 1, 2012 to March 31, 2013



Types of Complaints Received

April 1, 2013 to March 31, 2014

Type of Complaint	Regina	Saskatoon	Moose Jaw	Prince Albert	Estevan	Weyburn	Caronport	Dalmeny	Luseland	File Hills	Corman Park	Lakeland	Vanscoy	Wilton	SCAN	Total
Discreditable Conduct	16	8	0	0	2	0	0	0	0	0	0	0	0	0	0	26
Neglect of Duty	8	3	0	0	2	0	0	0	0	0	0	0	0	0	0	13
Insubordination	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Improper Disclosure of Information	1	2	0	0	0	0	0	0	0	0	0	0	0	0	0	3
Corrupt Practice	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Abuse of Authority • Improper Arrest • Unnecessary violence • Discourtesy/Uncivil	3 4 2	0 2 2	0 1 0	0 0 0	0 0 2	1 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 1 0	0 0 0	0 0 0	0 0 0	4 8 6
Improper Use of Firearms	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Damage to Police Property	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Improper Wearing of Uniform	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Misuse of Liquor /Drugs	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Criminal Conduct	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Others	1	1	0	0	1	0	0	0	0	0	0	0	0	0	0	3
Not Yet Completed	13	21	0	1	2	0	0	0	0	0	0	0	0	0	1	38

Case Summaries

The case summaries provided are a cross-section of the types of complaints received.

Mr. M

Mr. M was injured while in custody in the police service detention unit. He fell when being pushed into the cell and struck his face on a hard object inside the cell causing a cut on his nose. The police service policy and practice requires a review of circumstances resulting in the injury of a prisoner. There was audio/video recording of Mr. M during the booking procedure and being taken to the cell. On preliminary review, it was apparent from the video that an officer shoved Mr. M into the cell; however, the justification for the officer's action is not apparent in the video recording.

The nature and circumstances of the incident were reported to the PCC by the police service. The PCC initiated a public complaint and directed the matter be investigated. The investigation was conducted by a PCC investigator.

Police service reports and records, including audio/video recordings, notes, and statements of officers present in the detention unit and officers who dealt with Mr. M, were reviewed by the investigator. Police officers were dispatched to a report that Mr. M was intoxicated and causing problems at a residence. Officers became aware that he had been arrested about a month earlier at the residence for a breach of the peace and computer checks referred to some history of him being violent. Officers stated that Mr. M was intoxicated, uncooperative in speaking to them, belligerent in his remarks and verbally confrontational. The officers arrested Mr. M to prevent a breach of the peace, advised him of his rights and transported him to the detention unit.

En route and while being booked, Mr. M expressed animosity towards one of the officers and made claims that he was a good fighter who hit first. The officers described that Mr. M tensed and clenched his fists while being searched and they were of the belief that he could be assaultive. The decision was taken not to remove handcuffs until Mr. M was placed in a cell. Officers described some resistance or difficulty in removing the handcuffs at the cell door. An officer acknowledged shoving Mr. M forward to move him away and clear the door.

As there was alleged excessive use of force, section 47 of *The Police Act, 1990*, requires the circumstances be reviewed by the Ministry of Justice, Public Prosecutions Division, to determine if the conduct of the police officer(s) constitutes a criminal offence. Following their review, Public Prosecutions recommended no charges against any officer.

Under the provisions of section 35(2)(c) of *The Police Act, 1990*, the Chief of Police is responsible for discipline within the police service. The Act requires that the Chief of Police review the actions of the police officer(s) to determine if their conduct constitutes a violation of *The Municipal Police Discipline Regulations, 1991*. The Chief of Police reviewed these circumstances and recommended that the conduct of the officers was abuse of authority warranting "Advice as to Future Conduct."

The PCC takes incidents involving police officers' use of force very seriously. The PCC was satisfied that the incident had been thoroughly reviewed. The police service accountability mechanisms functioned properly in identifying an incident that could bring in to question the actions of officers. Supervisors and other officers acted properly to initiate the review process and the officers involved were forthright in their accounts of their actions.

The officers were in lawful execution of duty to arrest Mr. M and take him into custody without charge, to prevent a breach of the peace, as provided by the *Criminal Code*. Handling of intoxicated persons presents hazards to police officers, more so in Mr. M's case based on his verbal belligerence. The officers kept him in close control and handcuffed right to the cell entrance. Force was applied to his arms in the process of controlling him during removal of handcuffs in keeping with common control techniques.

However, having reviewed the video recordings of the incident, the PCC was of the opinion that Mr. M was injured as a direct result of being unnecessarily pushed forcefully into the cell. Although the Chief of Police made a similar determination, the PCC was of the opinion his resulting "Advice as to Future Conduct" for this offence was an inadequate disciplinary response and the Chief was advised of this.

The PCC acknowledged the Chief's recommendations and the Chief's decision to seek an expert opinion to assist him in his determination after the Chief was in receipt of all of the investigative material.

Without debate of or discrediting the impartiality of the internal "Use of Force Opinion" report, or the author of that report's qualifications; the opinion was less than helpful in establishing that the push by the subject officer was the only or best tactic in the circumstances or necessary. No other option was identified or evaluated from a tactical perspective. For example, the officer(s) could have simply moved back while extending their arms and released Mr. M, who was just inside the cell door, without the push. Alternatively, if the prisoner had become resistant (as suggested by the subject officer), the subject officer could have sought assistance from other officers in the detention unit. Either action may have been less likely to cause the prisoner to fall or be injured as a result of the push.

The use-of-force review suggested officers' movements were constrained "by having to work in a confined space limiting their ability to handle Mr. M." There was also evidence the officers requested the door be closed while they were in the doorway. Analysis of the tactics, implications of facilities design, door operation procedure and possible alternatives was not provided.

It might be expected that the fact Mr. M was being controlled from behind rather than from within his field of view would be relevant to officers' use of force decisions and warrant analysis. There was no discussion of how the push administered in those circumstances was either a "soft" or "control" technique in the context of the general secure environment of the detention unit. Finally, the review author's opinion that the use of force was appropriate or minimal ". . . based on officer perception gained specifically from the subject record and verbal statements . . ." was arguable.

The PCC acknowledges the hazards of handling persons in custody, in particular intoxicated individuals whose behaviour may be erratic and volatile. There is no issue with the handling of Mr. M up to the point he was at the cell door, including the decision to leave him in handcuffs to that point in time. Mr. M was verbally belligerent, boasted of his prowess at fighting, verbally argumentative and provoking. His behaviour warranted a high degree of alertness by officers and the general physical control utilized after handcuffing. At the same time, the struggle to remove the handcuffs and pushing of the prisoner takes place in the relatively controlled confines of the detention unit with several officers in the vicinity and only one prisoner.

The video evidence suggests Mr. M responded to questions and followed instructions while being booked in. One officer was controlling Mr. M while the other made notes, indicating the threat level was not considered elevated at that time, although officers indicated that the prisoner was tensing and clenching his fists. Mr. M was not visibly combative or resistant and was not fighting or combative at the cell door until force was applied to his arms, one being held by an assisting officer and the other held and lifted by the subject officer in the process of removing the handcuff from that arm.

The subject officer alleges Mr. M struggled against removing handcuffs and attempted to pull away and turn. The officer acknowledged use of a control technique to control the arms during removal of the handcuffs that could be expected to cause discomfort. Is it possible that Mr. M was responding to discomfort caused by the constable(s) lifting his arm(s) behind him to remove the handcuffs?

A reasonable person would recognize that a person being pushed unexpectedly from behind would likely lose their balance, more so if the person were intoxicated. The more forceful the push the more exaggerated the loss of balance. Common sense dictates that a police officer in charge of a prisoner would check the well being of an individual who fell in his presence, especially if he had just pushed the individual.

The subject officer's judgement that Mr. M could quickly turn and strike him or might escape from the security of the detention unit is not compelling justification to push him. Mr. M's intoxicated condition and the fact that he was facing away from the constable at or inside the cell doorway reduced his capacity to unexpectedly mount an attack on anyone or escape. The officer(s) would have had ample time to step away or push Mr. M had that happened. Had the subject officer believed the threat level had risen, there was another officer present he could have called upon to assist before releasing hold of the prisoner. So it is left that the push was simply to move Mr. M a short distance while clearing the door. By every appearance the push was more forceful than necessary for the purpose, based on Mr. M stumbling across the cell and falling towards or amongst fixtures in the cell.

The subject officer's response shows a lack of recognition as to the consequences of his action and/or a degree of callousness and disregard for the prisoner's well-being. He simply walked away while others who had seen the activity on video monitors or heard the altercation came to check on the prisoner. The audio recording suggests Mr. M's impact made a significant sound.

The PCC is of the opinion that Mr. M was injured as a direct result of the unnecessary violence, an unnecessary push by the subject officer. Although the findings were consistent, it is the opinion of the PCC that the proposed action under *The Municipal Police Discipline Regulations, 1991*, in respect to the subject officer was not commensurate with his actions.

In cases such as this, the Chief of Police is the final authority with respect to disciplining officers under his command. Although the PCC has a different view, in an impasse, the decision rests with the Chief. Accordingly, the officer was subjected to the discipline determined appropriate by the Chief and was given advice as to future conduct.

Mr. B

Mr. B's complaint relates to his allegation that a police officer took him to an isolated area near the city in - 30 C temperatures and left him to walk home. The investigation was conducted by a PCC investigator.

Mr. B's stepfather contacted the police to report that Mr. B had informed him that about an hour earlier Mr. B had been picked up by a police officer while walking and dropped off out of town. About 1:20 a.m. a similar report was received from Mr. B's stepmother who advised that Mr. B returned home about 10:00 p.m. dressed in a light jacket and was cold. It was believed the incident occurred between 8:00 and 10:00 p.m. The information indicated that Mr. B appeared to be under the influence of alcohol. Mr. B stated he was walking from his cousin's residence to his residence when he stated he was picked up by a lone police officer and dropped off on the edge of the city. Mr. B told others that he ran home from that area on trails that were familiar to him.

Individuals who had accompanied Mr. B earlier in the evening confirmed being in his company at a casino. From there Mr. B obtained a ride to his cousin's residence. Witnesses advised that he had consumed several alcoholic beverages during the evening and appeared intoxicated. Mr. B made numerous references to having exams at school the following day. He departed his cousin's residence between 9:00 and 9:30 p.m. indicating he was going to walk home. It was confirmed that Mr. B was dressed in a light jacket without a hat or gloves at that time. His cousins believed he had misplaced his winter coat on an earlier date.

The matter was referred to the PCC. Prior to meeting with the PCC investigator, Mr. B retained legal counsel, provided information to representatives of the Federation of Saskatchewan Indian Nations (FSIN) and representatives of various media agencies. The media quoted Mr. B, in part, as acknowledging that he recalled only parts of the incident, having blacked out for periods of time and that although he had encountered an individual in black pants, he did not specifically identify the individual as being a police officer.

The PCC investigator communicated initially with Mr. B in person and through correspondence, in addition to making contact through Mr. B's family members and legal counsel to establish his independence from the police service and to arrange to obtain Mr. B's detailed version of the events. Mr. B was unable to meet with the investigator in the weeks that followed, despite numerous attempts to make arrangements that may have been satisfactory and convenient to him. The FSIN and other agencies declined to disclose information relevant to the investigation to the PCC without Mr. B's consent, which the PCC was advised he had not provided.

The investigation established that the incident Mr. B described occurred in a 30- to 60-minute time frame. The distance he intended to voluntarily walk from his cousin's home to his residence was found to be just over three kilometers and could have reasonably been travelled on foot in 30 to 60 minutes. The distance from the location where he had allegedly been dropped off and his residence is approximately the same. Notwithstanding evidence that Mr. B was lightly dressed, under the influence of alcohol, and may have run part way; his state of chill, exhaustion or the lapse of time does not support one route or the other as more likely or establish that he may have been transported by vehicle from one route to the other. Staff at a business location near the alleged drop-off point were contacted and had not observed any unusual vehicle or pedestrian traffic during the period in question.

Police service reports and records were obtained that included voice recordings pertinent to Mr. B's complaint, along with electronic records of all police personnel and police vehicles on duty during the time period. Police service personnel who received the first information related to the incidents took action to initiate an investigation and ensure that supervisors were alerted to gather information that might be called in by other sources.

There were no queries of Mr. B, other people or the addresses or neighborhoods associated to his report prior to the initial information about the incident provided by his stepfather. Global positioning records (GPS) for vehicles were reviewed and revealed no record of a police vehicle outside the city limits or in the area he claimed he was dropped off during the period. In addition, GPS records were compared to available in-car video recordings, in-car computer terminals and other police communications traffic. No information that a police vehicle or officer was involved in such an incident was found.

The PCC takes incidents of this nature very seriously; if proven, such circumstances represent a serious offence and breach of trust by a police officer. The PCC is familiar with the facts of a similar tragic incident several years ago. At the same time, reports of similar incidents, widely circulated and commented upon in the social media forums, have been recanted or disproven, not to mention reports that have been based entirely on rumor or speculation. Generally, advances in technology have greatly enhanced police services' ability to monitor and account for police personnel and vehicle locations and activities when matters of this nature arise.

First hand evidence from those involved is critical, both to establish the facts and to provide details and information that may offer avenues of investigation to support the allegation or provide corroboration. Hearsay or second-hand information is less compelling or reliable; this includes information that is conveyed in the social media that cannot be confirmed in the first hand. Mention is made of certain information published in the media, not to attest to the truth of what the representatives of the media were told, but Mr. B was directly quoted and generally reporters are experienced and trained to record the information provided to them accurately.

Without further information, there was no reasonable basis to support Mr. B's complaint or to pursue further avenues of investigation into the allegations reported on his behalf. The PCC was not provided any rationale by Mr. B for his refusal to co-operate with the investigation. The PCC was left to consider the possibility that Mr. B became aware of the provisions of Section 140 of the *Criminal Code* as it pertains to "public mischief."

The PCC concluded that improper action by any police officer in these circumstances was not supported. The PCC was satisfied Mr. B's allegations were without foundation and therefore directed that no further investigation was required.

Ms. P

Ms. P's complaint related to the actions of police officers in respect to dealing with a young female who was the alleged victim of a sexual assault. Ms. P alleged that officers failed to follow established protocols related to gathering evidence of a sexual assault, improperly restrained the victim and failed to properly photograph possible injuries.

Ms. P is a nurse associated with the Child Abuse Clinic at a recognized hospital. She is trained in gathering evidence related to sexual assault investigations. She became involved in the circumstances after police officers brought a young female to the hospital related to a possible sexual assault. Police officers were struggling with the patient. Ms. P entered an examination room to find the patient restrained in handcuffs facedown on an examination table, partially disrobed by female police officers. Although no male was present, the door was partially open. Based on her experience and training, Ms. P believed possible evidence was not being properly collected or handled and she advised the officers of this. A medical doctor expressed concern about possible difficulty in the patient's breathing in the restrained position and requested the handcuffs be removed. These concerns were rebuffed; one officer indicated that he could handcuff who he wished and anyone who interfered would be obstructing him. Officers stopped struggling with the patient and trying to remove clothing when the patient requested to go to the bathroom a short time later.

Police service report records, police officers' notes, and statements and information from Ms. P and other health care professionals involved were reviewed. There is very little dispute in the events as Ms. P described.

Police officers stated that the young female indicated she was the victim of a possible sexual assault and was taken to hospital for examination. However, she was intoxicated, uncooperative and behaved erratically, sometimes lashing out violently. Officers were very concerned that her behaviour threatened her safety, the safety of hospital staff, and police officers themselves, and it was their judgment that it was necessary to have the young lady handcuffed, and at certain points, held down. It was acknowledged that hospital personnel, including Ms. P, expressed disagreement with certain aspects of their actions.

In respect to Ms. P's concern about the officer who photographed the young woman's injuries, the officer stated that, based on his experience, he believed he had collected photographs of all injuries. The officer acknowledged making a comment about the limits of the photograph equipment supplied by the police service when Ms. P questioned his actions. Subsequently, the officer stated this was intended to be humorous and lighten the interaction.

Under the provisions of section 35(2)(c) of *The Police Act, 1990*, the Chief of Police is responsible for discipline within the police service. The Act requires that the Chief of Police review the actions of the police officer(s) to determine if their conduct constitutes a violation of *The Municipal Police Discipline Regulations, 1991*. The Chief of the police service reviewed these circumstances and determined that it was not improper for officers to restrain the young lady. The Chief found that one officer may have been more co-operative and should have provided his name and badge number. Proper procedures in seizing clothing from the victim were not followed. Although it was determined that the victim's injuries were properly photographed, the officer's remark about his camera equipment was inappropriate. The officers were spoken to by supervisory personnel about the various shortcomings in police actions, but on the whole the Chief of Police determined that disciplinary action pursuant to *The Municipal Police Discipline Regulations, 1991* was not warranted by the circumstances.

The PCC was satisfied that officers were lawfully executing their duty and faced with competing responsibilities. First, their responsibility was to support and assist the young woman, the victim of a serious crime, who at the time was

under the influence of intoxicants, uncooperative and physically combative. Officers acted properly to involve medical personnel to assist in the forensic investigation for possible physical evidence, while genuinely concerned about others' safety. If, at certain points, there appeared to be dispute as to whether the young lady was in the custody of the hospital or police, the PCC was satisfied that police officers' actions to intercede in or prevent violence or a breach of the peace were justified. It is possible that police officers' and medical professionals' judgment of the potential for violence in a particular situation could differ and by its subjective nature, neither be wrong or invalid.

The PCC came to the view that the officers' lack of familiarity with accepted protocols related to possible physical evidence and the nature of the interaction between police officers and medical professionals in these circumstances suggest discord in the professional interaction of two critical agencies that work together to assist victims of crime. This would be contrary to the public interest. As the Chief of Police did not provide information as to specific steps being considered with a view to restoring or enhancing this critical relationship; the PCC requested the Chief's further review and comments.

The PCC was advised that protocols had been reviewed and updating roles and responsibilities was contemplated. Senior police representatives of the Children's Justice Centre indicated that ongoing "Roll Call" training to uniformed officers in respect to child abuse incidents will be expanded to include sexual assault incidents and protocols with medical professionals. Further, it was reported that police representatives had been in contact with Ms. P in this process and are of the opinion that she was satisfied with these actions.

The circumstances had been thoroughly investigated and reviewed, and the Chief of Police recognized some faults with the actions of officers. While the PCC may believe the conduct of certain officers was treated on the side of leniency, discipline is generally within the purview of the Chief of Police, except in exceptional circumstances.

The PCC concluded that adequate action had been undertaken to address Ms. P's specific concerns and the broader public interest.

Mr. R

Mr. R's complaint relates to a home invasion incident where he was stabbed several times. He alleged that an officer failed to properly secure money that belonged to him. A police officer and emergency medical personnel came to a residence after Mr. R was injured by others and money stolen from him. He was in the process of hiding his remaining money on his person when the officer took the money and set it to the side while the officer and EMTs provided medical assistance. The officer indicated the money would be returned to Mr. R later. The money was not returned and there was no record of police seizing the money.

Police service reports, records and officers' notes and statements were reviewed. Police officers were dispatched to a report that a male had been stabbed several times. An officer reported that he found Mr. R accompanied by a female. Mr. R appeared to be bleeding from numerous visible stab wounds, including one on his neck and a serious wound to his leg which was spurting large quantities of blood, despite being wrapped in a tourniquet. The officer stated that Mr. R was attempting to hide an unknown quantity of cash inside his clothes as the officer and medical personnel attempted to evaluate his injuries. Mr. R appeared to be severely injured and his life in peril. The officer set his cash and other personal property aside. The officer stated several $20 and $50 bills were visible; however, he did not count the money. The officer also stated that soon after Mr. R was removed to hospital, and he accompanied Mr. R in the ambulance. The officer acknowledged that he did not secure Mr. R's cash or advise any other officer of the ownership of the money or the need to secure it.

The residence remained under police security pending further investigation. A forensic examination of the residence was conducted by a forensic officer. During the course of this examination various photographs were taken. The officer stated that he recalled seeing and photographing an unknown quantity of cash in the items visible at the crime scene. A quantity of cash was clearly visible in one or more photographs of the interior of the residence. The forensic officer had not been provided any information or direction in respect to the money or its ownership, and had no reason to believe it was to be seized by police. The officer stated the cash was left in place. He was not aware that Mr. R was not an occupant of the residence.

Once the investigation at the residence was complete, a supervising officer released the residence to individuals who lived there. This officer stated that he was unaware of the cash left in the residence or that police were to secure any valuables associated to the crime.

Mr. R inquired about the money when he was interviewed by a Serious Crime Investigator two days later. This officer checked the reports and records of the seized property and could not find records of the money. He determined there was an unknown amount of cash left at the crime scene but there was no information that it was seized.

Under the provisions of section 35(2)(c) of *The Police Act, 1990*, the Chief of Police is responsible for discipline within the police service. The Act requires that the Chief of Police review the actions of the police officer(s) to determine if their conduct constitutes a violation of *The Municipal Police Discipline Regulations, 1991*. The Chief of the police service reviewed these circumstances and determined that the police service became responsible for Mr. R's money when the officer removed it from his possession and told Mr. R it would be returned later. The officer failed to communicate this to other officers or take other action to have the money secured. The officer was provided "Advice as to Future Conduct" related to this omission, which is provided by *The Municipal Police Discipline Regulations, 1991*. Misconduct or dishonesty by any police officers involved was not supported. The police service indicated that action was taken to compensate Mr. R related to the missing property.

The PCC was satisfied that Mr. R's complaint was thoroughly investigated, reviewed and the Chief of Police had taken action appropriate to the circumstances. There is little dispute in the essential elements of Mr. R's complaint. While the officer technically assumed responsibility for Mr. R's money, clearly the officer's priority at the time was to assist in preserving Mr. R's life, based on his serious visible injury. This did not remove the officer's responsibility for Mr. R's valuables, but it does mitigate the seriousness of the officer's neglect. The PCC was satisfied there was no basis to suspect any officers of dishonesty.

The PCC concluded that improper action by the officer had been adequately dealt with. Improper action by other officers was not supported and therefore there was no reason to invoke discipline pursuant to *The Municipal Police Discipline Regulations, 1991*.

Ms. K

Ms. K's complaint relates to the actions of police officers related to the investigation of a motor vehicle collision. She alleged that officers inadequately investigated the collision and made improper comments related to her gender.

Ms. K stated that she was operating a motorcycle and changed lanes to avoid a truck that unexpectedly moved into her lane; she collided with a stationary vehicle on the travelled portion of the road. Ms. K was of the opinion that the stationary vehicle was not properly marked or situated and the person(s) in charge of the stationary vehicle should have been charged. She expressed dissatisfaction with the investigation conducted. An officer did not check on her condition at the hospital or obtain further information from her in a timely fashion, efforts were not made to locate possible video recordings to identify other vehicles involved, and initially Ms. K was not provided information about the vehicle she struck when it was requested by her husband. Ms. K also stated that an officer suggested the fact that she was a female contributed to the collision. Ms. K inferred some bias by police officers because another emergency worker was involved with the business that owned the stationary vehicle.

Police service reports and records were reviewed, including a collision analysis conducted by a specially trained officer. Of several officers dispatched to the collision incident, one officer was identified as responsible for completion of the investigation. This officer acknowledged that he did not go to the hospital to check Ms. K's condition or obtain further information from her, as it was his understanding from radio communications that another officer was doing so. The officer made contact with her as soon as he became aware this was not done. The officer was aware that there was another vehicle indirectly involved in the incident; however, there was no information from witnesses to further identify that vehicle. In due course video recordings from police vehicles en route to the scene were reviewed with a view to identifying other vehicles involved in the crash. No police officer was aware of any video surveillance that may have captured the collision. A witness who contacted Ms. K was interviewed.

The officer stated that the investigation revealed that the stationary vehicle that Ms. K struck was engaged in construction on the road median. Workers had removed signage and barricades and were about to depart the area when the collision occurred. Information was also obtained from the collision analyst's report that Ms. K's vehicle was travelling at an estimated 56 km/h in a 50 km/h zone and the calculations related to stopping distances indicated that she should have been able to stop prior to the collision had the motorcycle remained upright with brakes applied.

The officer confirmed that when he met with Ms. K he initially declined to provide her details of the other vehicle. He indicated that he had to consider possible privacy concerns in the circumstances, as the information was actually requested by a third party, her spouse, although Ms. K was present. The officer indicated that he satisfied himself that it was proper to release the information to her and subsequently provided the information.

The officer stated that based on all of the information available related to the collision, he did not believe charges against any individual were indicated. The officer denied making any comment or inferring that gender contributed to the collision.

Ms. K was in contact with a more senior representative of the police service who reviewed the investigational material.

The senior officer determined the decision not to press charges was appropriate in the circumstances. This officer reported that Ms. K was informed of this. He denied any bias or having made any remark referring to her gender as a contributing factor in the collision.

Under the provisions of section 35(2)(c) of *The Police Act, 1990*, the Chief of Police is responsible for discipline within the police service. The Act requires that the Chief of Police review the actions of the police officer(s) to determine if their conduct constitutes a violation of *The Municipal Police Discipline Regulations, 1991*. The Chief of the police service reviewed these circumstances and recommended that the conduct of the officer(s) related to the investigation did not constitute a breach of *The Municipal Police Discipline Regulations, 1991*, in respect to unfairness, a failure to lay relevant charges, or sexism. The Chief of Police advised that the "common practice" of the police service was not met in respect to an investigator checking on Ms. K's condition, obtaining further information in a timely fashion and failing to provide accident particulars. "Advice as to Future Conduct" was provided pursuant to *The Municipal Police Discipline Regulations, 1991*.

It was regrettable that Ms. K suffered injury in the collision and the PCC appreciates her concern that someone be held accountable and charged. The PCC was satisfied that her concerns were thoroughly investigated, considered by the Chief of Police, and reviewed through the collision investigation. The Chief of Police took action appropriate to the circumstances.

The PCC advised Ms. K that police officers are authorized to exercise discretion in the laying of charges within reasonable bounds. Police officers are not required to invariably make the right decision on a judgement call, but the officers have to follow a proper process before arriving at the decision. In this case, the investigator was faced with evidence that each party had contributed to the collision. Factors included: an unsafe lane change by an inattentive driver, a vehicle obstructing a driving lane and the motorcycle, and a driver travelling too fast who should have nevertheless been able to come to a stop in the available distance. The officer formed the opinion that it was unlikely the evidence was sufficient to convict anyone of an offence in the circumstances.

The PCC was satisfied that the officer's exercise of discretion was within reasonable parameters, and subjected to supervisory review. It is reasonable that the officer concluded that there are moments when construction sites are established and taken down or modified and that during these times workers and work vehicles may be more of a hazard to traffic. It is also reasonable that the officer concluded these specific circumstances did not merit prosecution and that there remains some onus on other motorists to be vigilant. There is no suggestion of improper bias in this outcome and the exercise of officer discretion was equitable considering that discretion was similarly applied in consideration of possible charges against Ms. K.

Ms. K's perception that officers made improper inference related to her gender was denied by the officers. Although the motorcycle driver's skill and experience is subject of comment in the investigational reports, it is likely driver judgement, and the size and weight ratios of the motorcycle and rider, that were considered as possible contributing factors. Without additional support the PCC was not able to conclude there were improper comments made respecting gender.

The PCC concluded that improper action by the officer(s) beyond what had been dealt with by the Chief of Police was not supported and therefore no reason to invoke discipline pursuant to *The Municipal Police Discipline Regulations, 1991*.

Mr. D

Mr. D alleged misconduct by police officers through an inadequate investigation that led to Mr. D and an acquaintance's criminal charges stemming from an attempted armed robbery. Mr. D stated a belief that an early stage photo lineup would have cleared him as the criminal charges were subsequently 'stayed' by the Crown.

Mr. D was advised that the PCC operates as an independent authority appointed by the government and provides civilian oversight of public complaints against Saskatchewan's municipal police officers. The PCC's role ensures that both the public and the police receive impartial and thorough reviews of complaints against the police.

The PCC reviewed Mr. D's complaint documentation in conjunction with the police investigation. Mr. D learned through disclosure to an accused person that, months after the attempted armed robbery, the police service identified Mr. D and his acquaintance using the national criminal DNA database. The RCMP Crime Lab matched the DNA of Mr. D and his acquaintance with DNA found on two different disguises left at the scene. DNA evidence gave the police officers reasonable and probable grounds to charge Mr. D and his acquaintance with the offence. The fact that witnesses could not positively identify the robbers in a photo lineup did not eliminate the DNA evidence. There is no evidence or information to support Mr. D's perceptions of police misconduct.

The PCC advised Mr. D that the Crown prosecutor assigned to review these circumstances entered a "Stay of Proceedings." The PCC does not have the authority or

the jurisdiction to comment on decisions made by Crown prosecutors. Mr. D was informed that he should consult with his lawyer who has the responsibility to properly advise him regarding what legal considerations resulted when the prosecutor entered a "Stay of Proceedings."

The PCC directed that no further investigation or action was required and concluded the matter.

Ms. L

Ms. L complained that the actions of the police officers who arrested, detained and searched her were inappropriate. She alleged that an officer acted without proper grounds and that her detention was unlawful. The investigation was conducted by a PCC investigator.

Ms. L stated that she was driving her vehicle, accompanied by three other persons, when stopped by a police officer. She and the other occupants of the car were arrested related to possession of illegal drugs and taken to the police station. Ms. L acknowledged that she was told why she was arrested, provided her rights and the opportunity to contact legal counsel. Ms. L stated that she was strip searched at the police station by a female officer and released without charges about four hours later. Ms. L's vehicle was thoroughly searched; she was of the opinion all of this was improper because no illicit drugs were found.

Ms. L acknowledged that she was aware one of the passengers in her vehicle may have been considered a suspected drug dealer by police.

Court records confirm that this passenger had been charged with possession of illegal drugs for the purpose of trafficking and possession of the proceeds of crime. This individual was subject to a court ordered undertaking that imposed a number of conditions including a curfew, refraining from possessing alcohol or drugs, and providing for warrantless search of his person, vehicles under his control and his residences.

Police service reports, records, and officers' notes and statements were reviewed. The subject of the undertaking was under continuing investigation related to his involvement in the illegal drug trade. That investigation led police officers to believe he was still active in the drug trade and that he was using others to hide and transport illicit drugs with the intent of diverting police officers' suspicions from him and to avoid scrutiny provided by the conditions of the recognizance. The officer who stopped and detained Ms. L stated that based on the information known to police and his observations of her and the occupants of her vehicle, the officer believed illicit drugs were in the vehicle.

It was confirmed that Ms. L and the others were detained and she and her vehicle taken to the police station and searched thoroughly. Records reveal that she was in custody for three hours and 40 minutes before being released without charge. The officer was diverted to other duties which delayed Ms. L's release. The officer acknowledged that no illicit drugs were found, although $1,300.00 cash was located in a coat in the trunk of the vehicle. The owner of the cash said that the cash was the proceeds of a pay cheque; however, he was unsure of the amount and unwilling to identify the employer, thus officers suspected this to be related to drug transactions.

Under the provisions of section 35(2)(c) of *The Police Act, 1990*, the Chief of Police is responsible for discipline within the police service. The Act requires that the Chief of Police review the actions of the police officer(s) to determine if their conduct constitutes a violation of *The Municipal Police Discipline Regulations, 1991*. The Chief of the police service reviewed these circumstances and determined that there were shortcomings in the officer's actions related to Ms. L's detention, in part that she was not released as soon as possible. "Advice as to Future Conduct" provided by *The Municipal Police Discipline Regulations, 1991*, was administered to improve future handling of similar circumstances.

The PCC takes complaints about police officers' use of their authority seriously. Generally the courts are the appropriate authority to consider legal arguments, interpret the law and implications of the *Charter of Rights* as it may relate to arrest, detention, seizure and admissibility of evidence, unless the officers' actions are in blatant conflict with generally accepted interpretations of the law. As oversight of these circumstances by a court is unlikely, the PCC has been attentive to Ms. L's concerns about the processes she became involved in. Although the *Charter of Rights* protects citizens from unreasonable detention and search, a person can be drawn into a police investigation through their companions and associates, even if the person did not know the character of these persons. This was the case here. The PCC understands that Ms. L may have found the search of her person intrusive; however, the search was conducted privately by an officer of the same sex and in keeping with legal precedents and the expectations of the public and police service.

In these circumstances Ms. L was in the company of an individual who was charged with serious offences, subject to court-ordered conditions of release, and suspected to be continuing his illegal behaviour. The PCC was satisfied the police officer was in lawful execution of duty pursuing investigation of criminal acts. Based on investigative information and what he had observed, the officer acted

within his authority to stop and detain Ms. L and her companions. Although the conditions of her companion's recognizance did not extend to her or her vehicle, other investigative information supported the officer's belief that Ms. L and the other occupants of the vehicle were parties to unlawful actions. Generally accepted legal interpretations permit searches incidental to arrest. Whether or not contraband was located, it is the reasonable beliefs of the officer(s) that establish grounds to exercise authority to detain, arrest, and search persons and places. In these circumstances, the officer(s) acted within reasonable interpretations of the law and the actions do not rise to the level of misconduct.

There were shortcomings in the officer's actions. At some point, the conditions that justified warrantless search of the vehicle may have expired and a search warrant should have been sought. However, the courts are the appropriate authority to determine the admissibility of evidence that may have been found and this does not amount to officer misconduct. There may have been some unnecessary delay in releasing Ms. L from custody as a result of the officer being distracted by other duties. The Chief of Police took action appropriate to the circumstances and formal discipline was not warranted.

The PCC concluded that other improper action by the officer(s) was not supported and therefore no reason to invoke discipline pursuant to *The Municipal Police Discipline Regulations, 1991*.

Budget Allocation

The following figures show the approved budget for the 2013-14 fiscal year.

Approved Budget	$639,000
Actual Expenses	
Grant – FSIN,	
Special Investigations Unit	173,000
Salaries, Honorariums, Per Diems	387,000
Operating Expenses	82,000
	$642,000